



Alliance of the Ports of Canada, the Caribbean, Latin America and the United States

## **Comments of the American Association of Port Authorities**

### **On Coast Guard's Notice of Proposed Rulemaking**

#### **“Standards for Living Organisms in Ships’ Ballast Water Discharged in U.S. Waters”**

**Docket USCG-2001-10486  
RIN 1625-AA32**

The American Association of Port Authorities (AAPA) today represents 160 of the leading seaport authorities in the United States, Canada, Latin America and the Caribbean and more than 300 sustaining, associate and honorary members, which are firms and individuals with an interest in seaports. As a critical link for access to the global marketplace, each year, Western Hemisphere seaports generate trillions of dollars of economic activity, support the employment of millions of people and import and export more than 7.6 billion tons of cargo including food, clothing, medicine, fuel and building materials, as well as consumer electronics and toys. The volume of cargo shipped by water is expected to dramatically increase by 2020 and the number of passengers traveling through our seaports will continue to grow. To meet these demands, the AAPA and its members are committed to keeping seaports navigable, secure and sustainable.

AAPA is supportive of efforts to protect and preserve the marine environment, and its members play a critical role in serving as stewards of coastal resources. Preventing the further spread of aquatic invasive species is a key priority of the U.S. members of AAPA, on whose behalf these comments are offered.

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AAPA applauds the efforts of the U.S. Coast Guard to establish a meaningful standard that will protect our nation's ports and harbors from non-native species, give vessel owners an unambiguous standard by which they may discharge ballast water and give technology vendors a target to meet. For many years, AAPA has been one of many voices in the maritime and shipping industries calling for such standards. We have urged the Coast Guard to adopt standards identical to those in the International Maritime Organization's treaty on ballast water so that international oceangoing vessels may have one standard with which to comply as they transit from port to port.

The proposed regulation published by the Coast Guard would protect marine environments from aquatic invasive species and sets clear standards for ballast water discharge. It establishes a national standard for these discharges, which means that vessels will not encounter different requirements – at least from Coast Guard under the National Invasive Species Act – in different ports. The U.S. port industry is supportive of a national standard that does not place some ports at competitive disadvantages with other ports, and the proposed regulations achieve this end.

AAPA is concerned about how the burden this standard will place on vessel owners in light of the Vessel General Permit required by the U.S. Environmental Protection Agency and the many states who have opted to enact their own standards under the Clean Water Act. Regulating ballast water under two separate statutes and regulatory programs creates the sort of patchwork of laws and requirements that the port industry has long opposed.

AAPA is supportive of the Coast Guard's efforts to have a meaningful standard in place that will provide the protection needed from harmful species. However, the port industry is sympathetic to the concerns of vessel owners about putting in place a standard that cannot currently be met by any technology. In that regard, the proposed phase II standard is not achievable with the technology that is currently available.

As the phase II standard is proposed to be implemented, ballast water exchange as a management practice is to be eliminated. Many of AAPA's member port authorities are called on by coastwise, or short sea, vessels that move goods domestically. On these routes, ballast water exchange may be a viable option for management. As the federal government, through the Maritime Administration, is currently seeking opportunities to expand coastwise shipping as a means to reduce congestion and for other public policy goals, eliminating ballast water exchange as a management practice on these routes may serve as an economic disincentive for these coastwise movements, as carriers would be forced to install and use ballast water treatment systems.

AAPA encourages the Coast Guard to consider the many comments of vessel owners and operators on this proposed regulation regarding the technical aspects of this proposed regulation. As a matter of policy, AAPA is supportive of the Coast Guard's efforts to advance the effectiveness ballast water treatment systems and increase their utilization. The proposed regulation would help achieve these ends, though AAPA encourages the Coast Guard to work with EPA and Congress to bring ballast water management under a single regulatory regime rather than the patchwork of regulations that currently exist.